



**ETHICS COMMISSION**  
c/o CITY OF ANNAPOLIS OFFICE OF LAW  
160 DUKE OF GLOUCESTER STREET  
ANNAPOLIS, MARYLAND 21401

CITY LIAISON:  
City Attorney

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April 17, 2017

Ms. Beth Mauk, Harbormaster  
1 Dock Street  
Annapolis, MD 21401

Re: Advisory Opinion

Dear Ms. Mauk,

This letter is in response to your March 20, 2017, request for an Ethics Commission advisory opinion asking if it is acceptable for Harbormaster staff to receive tips for assisting boaters with the tying up and pumping out of their boats, or for providing other personal services. In addition you asked if it is acceptable for Harbormaster staff to accept tips, are there any limits on their acceptance? It is understood that Harbormaster staff, in addition to assisting visiting boaters, are enforcement officers empowered to enforce City regulations and policies on behalf of the Harbormaster in the City's navigable waters.


It is the position of the Commission that the offering and acceptance of tips or gratuities is common in recreational boating for dock staff while assisting patrons with vessel docking, fueling, and pump-outs. While City Code Chapter 2.08, Public Ethics and Financial Disclosure, does not specifically define tips or gratuities, it is reasonable to consider these transactions as gifts, which are addressed in the Code. Section 2.08.040.F.4.b(3) states that a city employee may accept "Unsolicited gifts of nominal value that do not exceed twenty dollars in cost or trivial items of informational value" if the limitations of Section 2.08.040.F.4.a are met. Therefore, it is the opinion of the Commission that it is generally acceptable for Harbormaster dock assistance staff to accept tips or gratuities of up to the \$20 per patron on an unsolicited basis for providing customer service in the tying up, pump-out, or other services to visiting boats.

In reaching the above conclusion, the Ethics Commission reviewed the vacancy announcements of Assistant Harbor Masters and Dock Assistants. Of these positions, only Assistant Harbor Masters have the responsibility for enforcing City Code and assisting in the processing of Code violations. The Commission believes it is inappropriate for City personnel with Code enforcement authority to accept tips or gratuities even though this is not specifically prohibited in the Ethics Code.

Please note that City Code Section 2.08.030.C.2 requires the Ethics Commission to file Advisory Opinions with the City Attorney's Office. Section 2.08.030.C.2 also provides that advisory opinions may be made public at the discretion of the Ethics Commission. We have determined

that this opinion will be publicly posted to the City's web site because of its usefulness to the public and employees of the City.

With best regards,

  
James E. Dolezal  
Chairman